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By Express Mail #EV402735941US March 18, 2004

Attorney Docket No.: **3029-74DIV**

*Check box if applicable:*  
 **DUPLICATE**

## **UTILITY PATENT APPLICATION TRANSMITTAL**

*Submit an original and a duplicate for fee processing*

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**THIS APPLICATION IS A [ ] CONTINUATION [x] DIVISIONAL [ ] CONTINUATION-IN-PART OF U.S. PATENT APPLICATION SERIAL NO. 10/005,753 WHICH WAS FILED OCTOBER 29, 2001.**

Transmitted herewith for filing is the utility patent application of:

Inventor(s): Yasuhiro SAKAI, Yasuyuki KAWASHIMA, Junya INOUE, Yoshiro IKEUCHI

For: Method of Staining, and Detecting and Counting Bacteria, and a Diluent for Bacterial Stain

Enclosed are:

- Transmittal letter with Fee Computation Sheet
- General Authorization For Payment of Fees
- Copy of Title Page, Specification, Claims & Abstract from prior application (33 pages [total number of pages of application])
- Copy of Executed Declaration and Power of Attorney (3 pgs.) from prior application
- Copies of 2 sheets of drawings (Figs. 1 to 3) from prior application
- Check for \$770 for filing fee
- Copy of Assignment of the invention to **Sysmex Corporation** from prior application
- Preliminary Amendment
- Small Entity Status is being claimed for this application.
- Copy of Information Disclosure Statement from prior application
- Copy PTO Form 1449 from prior application
- Return Receipt Postcard

Please charge my Deposit Account No. 03-2412 in the amount of \$. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Acct. No. 03-2412.

Any additional filing fees required under 37 CFR 1.16 not otherwise paid by check.

Any patent appl. processing fees under 37 CFR 1.17

The issue fee set in 37 CFR 1.18 at 3 months from mailing of the Notice of Allowance, pursuant to 37 CFR 1.311 (b) provided the fee has not already been paid by check.

Any filing fees under 37 CFR 1.16 for presentation of extra claims.

**Incorporation By Reference** (useable if submitting copy of declaration from prior application -- for continuation/divisional applications only):

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

Amend the specification by inserting before the first line the sentence (entire genealogy should be set forth):

"This is a division of application Serial No. 10/005,753, filed October 29, 2001."

Priority is claimed for this invention and application, corresponding applications having been filed in Japan on November 01, 2000, No. 2000-334641, US on October 29, 2001, No. 10/005,753, respectively.

a. Certified copies of the priority document is already of record in U.S. Application Serial No. 10/005,753, filed October 29, 2001, receipt of which has been acknowledged by the US PTO on July 25, 2003.

b. The certified priority document(s) is (are) enclosed herewith for filing in this continuing application.

A Petition for Extension of Time in the parent application is enclosed so that the parent application will be pending as of the time this paper is filed.

- [x] The undersigned declares that the copy of the application papers (Specification, Claims, Abstract, Declaration and Power Of Attorney, and drawings) filed herewith are true copies of those originally filed in the U.S. Patent Office for Application Serial No. 10/005,753.
- [X] The undersigned declares that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,  
COHEN, PONTANI, LIEBERMAN & PAVANE

Dated: March 18, 2004

By: Kent H. Cheng

Kent H. Cheng, Reg. No. 33,849

551 Fifth Avenue, Suite 1210  
New York, New York 10176  
Tel. (212) 687-2770

**CROSS REFERENCE TO RELATED APPLICATIONS**

--This application is a Divisional Application which claims priority from an application filed in Japan on November 01, 2000, No. 2000-334641. The disclosure of U.S. Patent Application Serial No. 10/005,753 is incorporated herein by reference.--.

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U.S. PTO

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## FILING FEE COMPUTATION SHEET

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Dated: March 18, 2004

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Commissioner for Patents  
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Alexandria, VA 22313-1450

In re Application of: Yasuhiro SAKAI et al.  
For: Method of Staining, and Detecting and Counting Bacteria, and a  
Diluent for Bacterial Stain  
Parent Serial No.: **10/005,753**

The filing fee has been calculated as shown below:

FOR:	Col. 1	Col. 2	SMALL ENTITY	OTHER THAN SMALL ENTITY
	# FILED	# EXTRA		
BASIC FEE			\$385	\$770
TOTAL CLAIMS	<u>20</u> - 20 =		x 9 = \$	x 18 = \$
INDEPENDENT CLAIMS	<u>2</u> - 3 =		x 43 = \$	x 86 = \$
<input type="checkbox"/> MULTIPLE DEPENDENCY			+\$145 = \$	+290 \$
* If the difference in Col. 1 is less than zero, enter "0" in Col. 2			TOTAL: \$	\$770

Attorney Docket # 3029-74DIV

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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continuation CIP Divisional Application of  
Yasuhiro SAKAI et al.

Parent Serial No.:

Parent Filed:

For: Method of Staining, and Detecting  
and Counting Bacteria, and a  
Diluent for Bacterial Stain

Check box if applicable:

DUPLICATE

**GENERAL AUTHORIZATION FOR PAYMENT OF FEES  
AND PETITIONS FOR EXTENSIONS OF TIME**  
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Alexandria, VA 22313-1450

Sir:

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 03-2412

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- [X] Any patent application processing fees under 37 CFR §1.17 not otherwise paid by check.
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- [X] Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,  
COHEN, PONTANI, LIEBERMAN & PAVANE

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